

Appl. No. 09/632,774

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### REMARKS

No claims have been amended, no claims have been canceled, and no new claims have been added. Claims 1-25 are therefore pending.

### *Claim Rejections - 35 USC § 103*

#### **A. Rejection of Claims 1, 7, 8, 11, 12, 15 and 21 citing Angles and Filepp**

The Office Action rejects claims 1, 7, 8, 11, 12, 15 and 21 under 35 USC § 103(a) as unpatentable over the combination of Angles (US 5,933,811) and Filepp (US 5,347,632). Claims 1, 7, 11, 15 and 21 are independent claims. This rejection is respectfully traversed. Neither Angles nor Filepp teach the limitations for which they are cited. As such, the totality of the limitations recited in each of claims 1, 7, 8, 11, 12, 15 and 21 is neither taught nor suggested by the combination of references.

#### **B. Filepp Does Not Teach or Suggest the Limitations for Which It Is Cited**

The Office Action asserts that many of the claimed limitations are disclosed in Angles, and that those limitations not disclosed in Angles are disclosed by Filepp. Angles is discussed further below. This section addresses the failing of Filepp to teach the limitations for which it is cited.

The current Office Action states that "Angles does not explicitly disclose that the advertisement is being displayed in a persistent window independent of the browser window by a client application operating independently of the browser." (Office Action, p. 3, last para.) We take this to mean that the current Office Action admits, using quotes from claim 1, that Angles does not disclose the client application "commencing an online session with the online server", "operating independently of an Internet browser and operating concurrently with the Internet browser", "causing a client window to be displayed on the output device, the client window remaining visible so long as the online session persists and the client window displayed independently of a browser window generated by the Internet browser". In addition, the Office Action dated January 25, 2005 admits that "Angles does not explicitly disclose that the advertisement is being displayed in a window independent of the browser window by the client application operating independently of the

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browser.” (p. 6, lines 5-7 of the January 25, 2005 Office Action) The current Office Action asserts that Filepp discloses the functionality missing from Angles.

However, as to Filepp, the Office Action wholly mischaracterizes its teachings. Filepp is directed to a method for storing data in an interactive computer network, which in Filepp’s case was the Prodigy service. The Office Action states that that Filepp discloses a system in which a “user’s screen display is divided into a plurality of partitions (windows), with separate and distinct applications running in each partition.” (Office Action, p. 3, bottom para.) However, the portion of Filepp cited in support for this statement discloses teachings that are quite different. (See Filepp, col. 5, lines 3-39)

The cited portion of Filepp discloses that applications are partitioned into application partitions. (Filepp, col. 5, lines 10-13) There is no teaching in the cited portion of Filepp of dividing a screen into partitions. Moreover, to the extent that this portion of Filepp involves a display screen, the teaching is that “each application partition typically represents one screen or a partial screen of information.” (Filepp, col. 5, lines 13-18) That is, each application partition apparently has only enough data associated with it to be capable of filling no more than a single screenful of data, and a partition is typically used to fill a screen. (Filepp, col. 5, lines 13-18)

The disclosure at the cited portion of Filepp continues to describe how the various partitions of an application may be “retrieved on demand for interpretive execution” (Filepp, col. 5, lines 19-26)

As such, Filepp does not teach or suggest a system in which a “user’s screen display is divided into a plurality of partitions (windows), with separate and distinct applications running in each partition” as asserted in the Office Action. (Office Action, p. 3, bottom para.)

Moreover, to the extent that the cited portion of Filepp is asserted to teach or suggest a client application operating independently of a browser window, there is no such teaching. There is no teaching in this portion of Filepp or any other portion of Filepp of a client application operating independently of a browser window. (Filepp, col. 5, lines 3-39; col. 9, lines 27-47; and col. 11, lines 64-66)

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As the system in Filepp is described as an IBM compatible personal computer running MS-DOS as of the dates of the filing of the application in 1988 and 1989, it is unlikely that Filepp was capable of supporting the features recited in claim 1. (Filepp, col. 4, lines 12-18, 44-60) Note that Microsoft did not release Windows 3.1 until 1990, two years after the priority date of Filepp. See:

<http://www.microsoft.com/windows/WinHistoryDesktop.msp>

[http://en.wikipedia.org/wiki/Windows\\_3.x](http://en.wikipedia.org/wiki/Windows_3.x) and

[http://en.wikipedia.org/wiki/History\\_of\\_Microsoft\\_Windows](http://en.wikipedia.org/wiki/History_of_Microsoft_Windows)

The web and the first rudimentary browser were not created until 1991, three years after the priority date of Filepp. (<http://en.wikipedia.org/wiki/WorldWideWeb>) In addition, the Internet and browsers that allowed for graphics did not appear until 1993, five years after the priority date of Filepp.

The explosion in popularity of the web was triggered by NCSA Mosaic which was a graphical browser running originally on Unix but soon ported to the Apple Macintosh and Microsoft Windows platforms. Version 1.0 was released in September 1993. [http://en.wikipedia.org/wiki/Web\\_browser](http://en.wikipedia.org/wiki/Web_browser)

In view of the history of the personal computer, the web, the Internet and browsers, Filepp can not be cited for the features recited in the independent claims concerning a browser and a client application. More specifically, Filepp cannot be cited for teaching: a client application “commencing an online session with the online server”, “operating independently of an Internet browser and operating concurrently with the Internet browser”, “causing a client window to be displayed on the output device, the client window remaining visible so long as the online session persists and the client window displayed independently of a browser window generated by the Internet browser” as recited in claim 1.

The office action goes on to assert that advertisements “may be included in any partition of a page” citing Filepp, col. 9, lines 27-47 and col. 11, lines 64-66. (Office Action, p. 3, last 2 lines to top of p. 4) Review of Fig. 3b and the discussion thereof in Filepp paint a different picture. Fig. 3b shows that there is only one page that can be displayed. Fig. 3b shows a screen 414 of monitor 412 with a single page that may have multiple partitions. Filepp teaches that “advertisements 280 ... like page elements, also include information for display on page 255 and may be included in any

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partitions of a page.” (Filepp, col. 9, lines 27-30) This merely teaches that a single window (called a page in Filepp) may be broken up into panes (called partitions in Filepp).

As such, the combination of Filepp and Angles fail to teach or suggest all of the limitations recited in claim 1. To the extent claims 7, 11, 15 and 21 recite the same or similar limitations, they are patentable over the combination of Filepp and Angles. Therefore, all of the independent claims are patentable over the combination of Filepp and Angles.

**C. Angles Does Not Teach or Suggest the Limitations for Which It Is Cited**

As to Angles, this reference describes a system that teaches away from the claimed systems and methods. Angles teaches a system that includes one or more content provider computers 14, one or more consumer computers 12, zero or more Internet providers 34, and one or more advertisement provider computers 18. The general functionality of Angles is that consumer computers 12 establish a communication link with the Internet using Internet provider 34. The consumer computers 12 then access the content provider computers 14 which transfer an electronic page 32 to the consumer computer 12. (Angles, col. 7, lines 55-60; col. 9, line 65 – col. 10, line 7; and Fig. 2) “The preferred electronic page 32 contains an embedded advertisement request 26” which the consumer computer receives and executes. (Angles, col. 7, lines 59-62) The advertisement provider computer 18 then “sends a customized advertisement 30 directly to the consumer computer 12 to be incorporated into an electronic page 32 from the content provider computer 14.” (Angles, col. 15, lines 25-31) “The advertisement provider computer 18 ... maintains consumer information and generates customized advertisements 30.” (Angles, col. 13, lines 21-23)

However, claim 1 recites, among other limitations, “the client application receiving sponsorship data from the online server, the sponsorship data comprising a sponsorship object including a resource locator associated with a sponsorship label to be displayed and a resource locator associated with a click-through of the sponsorship label.” In contrast, Angles teaches away from this as Angles teaches an advertisement provider computer that sends advertisements to the consumer computer that are incorporated into a web page from the content provider computer. (Angles, col. 13, lines 21-23 and col. 15, lines 25-31) In Angles, the consumer does not receive a

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resource locator as claimed from either the content provider or the advertisement provider computer. As such, Angles fails to teach “the client application receiving sponsorship data from the online server” as recited in claim 1. Filepp fails to cure this deficiency.

Further, claim 1 recites “when the user clicks through on the sponsorship label, the client application causes the local device to access the resource locator associated with a click-through of the sponsorship label.” Angles teaches away from this limitation as Angles teaches that

When the consumer computer 12 receives the electronic page 32, it executes the embedded advertisement request 26. The embedded advertisement request 26 directs the consumer computer 12 to establish a communications link with the advertisement provider computer 18. Furthermore the embedded advertisement request 26 directs the advertisement provider computer 18 to execute a content provider script (not shown). The content provider script exists on the advertisement provider computer 18. (Angles, col. 7, line 61 – col. 8, line2)

...

[T]he advertisement provider computer 18 selects an appropriate customized advertisement 30. The advertisement provider computer 18 then sends the customized advertisement 30 to the consumer computer 12. ... [T]he consumer computer 12 merges the electronic page 32 and customized advertisement 30. (Angles, col. 8, lines 13-19)

Importantly, Angles teaches that the consumer computer receives and executes an advertisement request and that the advertisement provider computer sends an advertisement to the consumer computer without receiving any user input, such as a click through. More simply, Angles teaches automatic selection and integration of advertisements in a web page requested by a user from a content provider, the advertisement provided by an advertisement provider. As such, there is no teaching in Angles of “when the user clicks through on the sponsorship label, the client application causes the local device to access the resource locator associated with a click-through of the sponsorship label” as recited in claim 1.

As such, the combination of Filepp and Angles fail to teach or suggest all of the limitations recited in claim 1. To the extent claims 7, 11, 15 and 21 recite the same or similar limitations, they

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are patentable over the combination of Filepp and Angles. Therefore, all of the independent claims are patentable over the combination of Filepp and Angles.

#### **D. Other Claims**

The Office Action rejects claims 2, 9, 13, 16 and 24 as being unpatentable over Angles and Filepp. Claims 2, 9, 13, 16 and 24 are dependent on independent claims 1, 7, 11, 15 and 21. Claims 2, 9, 13, 16 and 24 are patentable over the combination of cited references by virtue of their dependence on claims 1, 7, 11, 15 and 21 which have been shown to be patentable over the cited references as set forth above.

The Office Action rejects claims 3, 10, 14 and 17 as being unpatentable over Angles and Filepp. Claims 3, 10, 14 and 17 are dependent on independent claims 1, 7, 11 and 15. Claims 3, 10, 14 and 17 are patentable over the combination of cited references by virtue of their dependence on claims 1, 7, and 15 which have been shown to be patentable over the cited references as set forth above.

The Office Action rejects claims 4 and 18 as being unpatentable over Angles and Filepp. Claims 4 and 18 are dependent on independent claims 1 and 15.

The Office Action rejects claims 5 and 19 as being unpatentable over Angles, and Filepp. Claims 5 and 19 are dependent on independent claims 1 and 15.

The Office Action rejects claims 6 and 20 as being unpatentable over Angles, and Filepp. Claims 6 and 20 are dependent on claims 1 and 15. We note with disappointment that the Office Action is repeating a rejection made in the Office Action dated 7/22/2004 and reiterated in the Final Office Action dated 10/19/2004. We addressed this objection in Responses dated 7/30/2004 and 11/24/2004. We sincerely hope that prosecution of this matter can move forward. We welcome the Examiner to contact use to discuss any facets of the prosecution of this matter.

Claims 4, 5, 6, 18, 19 and 20 are patentable over the combination of cited references by virtue of their dependence on claims 1 and 15 which have been shown to be patentable over the cited references as set forth above.

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The Office Action rejects claims 22, 23 and 25 as being unpatentable over Angles, and Filepp. Claims 22, 23 and are dependent on claim 21. Claims 22 and 23 are patentable over the combination of cited references by virtue of their dependence on claim 21 which has been shown to be patentable over the cited references as set forth above.

All of these dependent claim are patentable by virtue of their dependency on independent claims which have been shown to be patentable as set forth above.

### *Conclusion*

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions and to discuss steps necessary for placing the claims in condition for allowance.

Respectfully submitted,



Mark A. Goldstein  
Reg. No. 50,759

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SoCal IP Law Group  
310 N. Westlake Blvd., Suite 120  
Westlake Village, CA 91362  
Telephone: 805/230-1350 x240  
Facsimile: 805/230-1355  
mgoldstein@socalip.com